

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

VIRIDITY ENERGY SOLUTIONS,	§	
INC.	§	
	§	
v.	§	CIVIL ACTION NO. 4:21-CV-419-SDJ
	§	
LONE STAR DEMAND RESPONSE,	§	
LLC	§	

NOTICE OF IMPENDING DISMISSAL


The Complaint was filed in this case on June 2, 2021. It appears from the records currently before the Court that Defendant has not yet been served. Moreover, the Court's records indicate that more than 60 days have passed from the filing of the Complaint and/or Notice of Removal in this Court. Therefore, this notice serves to inform Plaintiff that this action shall be dismissed without prejudice as to Defendant after 90 days, in accordance with Federal Rule of Civil Procedure 4(m).

To avoid dismissal pursuant to Rule 4(m), if more than 90 days are necessary for service of process, Plaintiff must execute a verified petition regarding service of process, advising the Court:

- A. That the case should not be dismissed as to the unserved Defendant;
- B. That the failure to obtain service upon Defendant is not due to the fault of the Party seeking to avoid dismissal;
- C. The reasons why the case against the unserved Defendant should not be dismissed, set forth in detail and demonstrating good cause; and
- D. That service will be effected on Defendant within thirty (30) days of the date of the petition.

The verified petition must be filed with the Court on or before **September 15, 2021**. If the Court is satisfied that the case should not be dismissed as to the unserved Defendant, Plaintiff will be so notified. If dismissal of the case as to the unserved Defendant is satisfactory to the Plaintiff, no action is required. By executing the petition regarding service of process, Plaintiff need not appear in support thereof until and/or unless so notified by the Court. Failure to respond will result in dismissal of this case for failure to prosecute.

So ORDERED and SIGNED this 2nd day of September, 2021.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE